



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3038

by Rep. Ann Williams

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/14-6

from Ch. 38, par. 14-6

Amends the Criminal Code of 2012. Provides that parties to an electronic communication intercepted contrary to the Eavesdropping Article of the Code are entitled to the civil remedies prescribed in that Article. Provides that a civil claim, cause of action, or remedy on behalf of a minor shall not lie against a parent, step-parent, guardian, or grandparent for eavesdropping of electronic communications taken during that parent, step-parent, guardian, or grandparent's exercise of his or her parental rights to supervise, monitor, and control the activities of a minor in his or her care, custody, or control. Provides that a claim or cause of action that alleges a violation of the Eavesdropping Article may not lie against a reporter or news medium for actions undertaken in the newsgathering process. Provides that this protection does not diminish the protections given to reporters or news medium under the Code of Civil Procedure.

LRB098 07052 MRW 37111 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 14-6 as follows:

6 (720 ILCS 5/14-6) (from Ch. 38, par. 14-6)

7 Sec. 14-6. Civil remedies to injured parties. (1) Any or  
8 all parties to any conversation or electronic communication  
9 upon which eavesdropping is practiced contrary to this Article  
10 shall be entitled to the following remedies:

11 (a) To an injunction by the circuit court prohibiting  
12 further eavesdropping by the eavesdropper and by or on behalf  
13 of his principal, or either;

14 (b) To all actual damages against the eavesdropper or his  
15 principal or both;

16 (c) To any punitive damages which may be awarded by the  
17 court or by a jury;

18 (d) To all actual damages against any landlord, owner or  
19 building operator, or any common carrier by wire who aids,  
20 abets, or knowingly permits the eavesdropping concerned;

21 (e) To any punitive damages which may be awarded by the  
22 court or by a jury against any landlord, owner or building  
23 operator, or common carrier by wire who aids, abets, or

1 knowingly permits the eavesdropping concerned.

2 (2) No cause of action shall lie in any court against any  
3 common carrier by wire or its officers, agents or employees for  
4 providing information, assistance or facilities in accordance  
5 with the terms of a court order entered under Article 108A of  
6 the Code of Criminal Procedure of 1963.

7 (3) No civil claim, cause of action, or remedy on behalf of  
8 a minor shall lie against a parent, step-parent, guardian, or  
9 grandparent for eavesdropping of electronic communications  
10 taken during that parent, step-parent, guardian, or  
11 grandparent's exercise of his or her parental rights to  
12 supervise, monitor, and control the activities of a minor in  
13 his or her care, custody, or control.

14 (4) No claim or cause of action that alleges a violation of  
15 this Article may lie against a reporter or news medium for  
16 actions undertaken in the newsgathering process. This  
17 protection does not diminish the protections given to reporters  
18 or news medium under Part 9 of Article VIII of the Code of  
19 Civil Procedure.

20 (Source: P.A. 85-868.)